

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.36389 of 2007 &
M.P.Nos.2 and 3 of 2007

P.S.Vengu

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Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The Chairman,
Authorization Committee and
Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.Chettinad Medical Hospital & Research
Institute, Rep. by Medical Director,
Kelambakkam,
Chennai - 603 103.

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records of the communication dated 07.02.2007 issued by the second respondent under Ref.No.8810/MEII(2)/07 and quash the same insofar as it relates to Clauses 3 and 5 of the said order and Item No.16 of the check list annexed to the said communication as unconstitutional and ultra vires the provisions of the Transplantation of Human Organs Act, 1994 and the Rules framed thereunder.

For Petitioner : Mr.Srinath Sridevan

For Respondents : Mr.J.Sathish
Additional Government Pleader for R1 & R2
R - 3 (No appearance)

ORDER

Heard Mr.Srinath Sridevan, learned counsel for the petitioner; Mr.J.Sathish, learned Additional Government Pleader for the respondents 1 and 2 and perused the materials placed on record.

2. This Writ Petition has been filed for issuance of Writ of Certiorari, calling for the records of the communication, dated 07.03.2007 issued by the second respondent, insofar as it relates to Clauses 3 and 5 of the said order and Item No.16 of the check list annexed to the said communication as unconstitutional and ultra vires the provisions of the Transplantation of Human Organs Act, 1994 and the Rules framed thereunder, and quash the same.

3. The learned counsel for the petitioner would state that the petitioner passed away during the pendency of the Writ Petition and hence, the prayer sought for in the Writ Petition has become infructuous.

4. Recording the above submission of the learned counsel for the petitioner, this Writ Petition is dismissed as having become infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Secretary to Government,
Government of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Fort St. George, Chennai - 600 009.

2.The Chairman,
Authorization Committee and
Director of Medical Education,
Kilpauk, Chennai - 600 010.

+1cc to Government Pleader sr.61206

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nr 17/09/2019